

DIAA Board of Directors' Meeting Minutes
December 10, 2009 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Edna Cale, Debbie Corrado, Joan Samonisky, Harvey Hyland, Susan Coffing, Robert Reed, Dr. Jeffrey Hawtof, Woody Long, Randall O'Neal, Ron Eby, Catherine Marvel, Dianne Sole, Teresa Taylor, Mike Modica, Dr. George Stone, and Dr. Michael Owens. Kevin Charles, Executive Director; and Frederic Schranck, Deputy Attorney General were also in attendance. Curtis Bedford and Eugene Montano were unable to attend.

C. Approval of Agenda

Mr. Kobasa stated that Item III. G. was being removed from the agenda. Dr. Hawtof made a motion to approve the agenda as amended. The motion was seconded by Ms. Cale and carried unanimously.

D. Approval of Minutes of November 12, 2009 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of the November 12, 2009 Board of Directors meeting. The motion was seconded by Dr. Hawtof and carried unanimously.

E. DIAA Financial Report

Mr. Charles explained that his report was more up-to-date than the report that was sent out to the Board members. Mr. Charles stated that for the reporting period of November 5 through December 9 the total income was \$150,577.00. Mr. Charles explained that \$130,000.00 was from tournament revenue; the remainder included member dues, tournament fees, interest income, and \$14,000.00 in corporate contracts. Mr. Charles stated that the expenses for the reporting period \$101,453.00 which were primarily from tournament expenses, purchase orders for the winter tournaments, actual expenses for the fall tournaments, purchase of tickets, salary and other employee costs. Mr. Charles stated at this point we are still in the red which is normal for this time of year. Ms. Samonisky made a motion to approve the financial report. The motion was seconded by Mr. Reed and carried unanimously.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles stated that there are 24 sanction requests which include basketball, indoor track, wrestling, and spring track. Mr. Charles stated that they are all in compliance with NFHS and DIAA regulations and the applications are available for the Board's review. Dr. Hawtof made a motion to approve the sanction events. The motion was seconded by Ms. Samonisky and carried unanimously.

B. Request for Waiver of DIAA Reg. 1009.2.7 by Delmarva Christian for M.L.

Mr. Kobasa introduced Fritz Schranck who is sitting in as Deputy Attorney General. Mr. Schranck then reviewed the regulation regarding the 5th year eligibility.

Mike LaPointe; student, Greg LaFreniere; uncle and caregiver, and Jeff Mohr; athletic director at Delmarva Christian School were in attendance to present this request. The student requested an open hearing. Mr. Mohr commented that Mr. Scott Kemerling, the school principal, was not in attendance due to illness.

Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained there are 16 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed.

All persons participating in this hearing were sworn in.

Mr. Mohr explained that Mike was left on his own from 6th grade to 10th grade to home school himself. Mr. Mohr stated that during the 10th grade Mike was put in a public school where he struggled academically. Mr. Mohr stated that Mike was just passed along in school until he ended up failing the 11th grade. Mr. Mohr explained that Mike eventually contacted his uncle and decided to live with him. Mr. Mohr stated that Mike's uncle and mother enrolled him in Delmarva Christian School as a junior. Mr. Mohr stated that he did miss some opportunity in athletics due to academics and an injury. Mr. Mohr referred Board members to the letter Mr. Kemerling wrote showing his support of this request.

Mr. LaFreniere explained the situations that Mike had lived through and why his academics were struggling and why Mike came to live with him. Mr. LaFreniere explained that he had to repeat the 11th grade because of the lack of instruction in grades 5 through 10.

Mike explained that he was starting to follow the same path as his parents and made a decision to move with his uncle to get his life on track. Mike explained that he wanted more for his life when he graduates high school. Mike thanked the Board for their consideration. In an answer to questions by the Board Mike stated that he only participated in half of the basketball season his freshman year because he was pulled off the team for academic reasons and missed about three quarters of the baseball season due to an injury. Mike also responded to a question regarding what he wants to do after school by stating that he wants to go to college and study criminal justice.

Mr. Modica made a motion to approve the request due to the hardship as explained. The motion was seconded by Mr. Long and carried unanimously.

E. Request for Membership by Prestige Academy

Mr. Leroy Belton, athletic director at Prestige Academy, was in attendance to present this request. Mr. Belton explained that Prestige Academy is a second year all boys school located in Wilmington, Delaware. Mr. Belton stated that they have approximately 185 5th and 6th grade students and would like to sponsor basketball, baseball, and track and field. Mr. Belton stated that they will have 7th grade students next year. Mr. Belton commented that they were looking for associate membership in DIAA. Mr. Belton commented that they do not currently have their own athletic facilities and will use outside facilities for now. Mr. Charles explained that schools that apply for Associate Membership do so because there are DIAA regulations that they cannot comply with and questioned if there would be a regulation that Prestige Academy could not comply with. Mr. Charles suggested visiting the school and reviewing the regulations with the school so that they have a full understanding of the rules. In response to a Board question Mr. Belton stated that there are no criteria to be enrolled in this school other than being male and have a desire to learn. Mr. Belton commented that they are currently playing intramural basketball. Dr. Hawtof made a motion to approve the request for membership as a full member. The motion was seconded by Ms. Marvel and carried unanimously.

The Board recessed at 9:50 a.m. and reconvened at 10:00 a.m.

C. Request for Waiver of DIAA Reg. 1009.2.4 by St. Thomas More for A.M.

Mr. Kobasa recused himself from this hearing. Mr. Wagner, vice chairman, conducted this hearing. Mr. Schranck reviewed regulation 1009.2.4. Angela Malabet; student, Lichell Malabet; student's father, Bill Windett; athletic director at St. Thomas More Academy were in attendance to present this request. Mr. Malabet requested an open hearing.

Mr. Wagner explained that DIAA is a 20 member Board and has 19 voting members.

Mr. Wagner further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Wagner explained that there are 15 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed.

All persons participating in this hearing were sworn in.

Mr. Windett first made a correction to a date in the letter that was submitted by Mr. McKenzie. Mr. Windett explained to the Board that Ms. Malabet transferred to St. Thomas More Academy from Sussex Tech High School on October 5, 2009 as a sophomore. Mr. Windett stated that while Ms. Malabet attended Sussex Tech High School she was a member of the girls' basketball team. Mr. Windett also stated that during her admission process to St. Thomas More he was informed that she would like to participate on the basketball team. Mr. Windett stated that in reviewing the DIAA Handbook and regulation regarding the 180 day rule he felt that Ms. Malabet would qualify for a waiver under 1009.2.4.5 change in curriculum. Mr. Windett commented that according to DIAA Regulations in order to be approved under this rule the curriculum change must be multi-year, hierarchical sequence of courses with a common theme or subject matter leading to a specific outcome, must be a significant part of the curriculum and not offered by the sending school, and student is placed in a disadvantage to delay transfer until the end of the year. Mr. Windett stated that St. Thomas More's curriculum is faith based and the program is four years and all classes are taught with a religious theme. Mr. Windett stated that Sussex Tech is a vocational school and does not teach a faith based curriculum. Mr. Windett commented that Mr. McKenzie was in support of this request as stated in his letter included in the packet. Mr. Malabet commented that Ms. Malabet attended a small school before attending Sussex Tech High School and feels the change was too difficult for her. Mr. Malabet stated that Ms. Malabet also started making the wrong choices and socializing with the wrong people and wanted to put her back in a small class setting and that is why they chose St. Thomas More Academy. Mr. Eby asked why the transfer wasn't done after her freshman year and before she started her sophomore year. Mr. Malabet responded by saying that they did notice changes in Ms. Malabet but the changes got worse in her sophomore year. Mr. Malabet responded to a question that the school Ms. Malabet attended before Sussex Tech was not a faith based school but was a small school. Ms. Taylor asked why Ms. Malabet needed the faith based school now and how involved Ms. Malabet was in her religion and church. Ms. Malabet responded that she was going the wrong way and wasn't the same person. Ms. Taylor commented that she was concerned because Mr. Malabet commented that he wanted the faith based community but then stated that he wanted Ms. Malabet to attend St. Thomas More for the small community. Mr. Malabet commented that it goes hand in hand. Mr. Malabet stated that Ms. Malabet was making friends with very promiscuous kids and making friends with older kids that were out of school through those students.

Mr. Schranck commented that Dr. Stone just came in and was not present during the entire hearing and would not be participating in any deliberation or vote for this

matter.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Mr. Modica and carried unanimously.

Ms. Marvel made a motion to come out of deliberation. The motion was seconded by Dr. Hawtof and carried unanimously.

Dr. Hawtof made a motion to deny the request based on the evidence provided. The motion was seconded by Mr. Eby and carried unanimously.

D. Consideration of Interim waiver by Executive Director

1. DIAA Reg. 1009.2.4 by Appoquinimink for A. B.

Mr. Kobasa stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Wagner made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Dr. Hawtof and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa stated that this request is being done under the interim waiver process and that the record contains a signed consent from the student's parent in this case in order to proceed under these modified procedure. Mr. Kobasa stated that this full hearing is scheduled for the January 21 meeting should it be necessary. Mr. Kobasa explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was still under oath. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken. Dr. Hawtof made a motion to go into executive session. The motion was seconded by Ms. Coffing and carried unanimously. Dr. Hawtof made a motion to go back to executive session. The motion was seconded by Dr. Stone and carried unanimously. Ms. Marvel made a motion to come out of executive session. The motion was seconded by Mr. Reed and carried unanimously. Mr. O'Neal made a motion to grant the request for the social situations found to be a hardship. The motion was seconded by Ms. Samonisky and carried by a vote of 10 – yes (Kobasa, Wagner, Corrado, Samonisky, Hyland, Coffing, Reed, Hawtof, Long, Stone, and O'Neal), 2 abstentions (Sole and Cale), 4 – No (Marvel, Taylor, Modica, and Eby).

2. DIAA Reg. 1009.2.4 by Sussex Central for D.E.

Mr. Kobasa stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Ms. Marvel made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Ms. Cale and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa stated that this request is being done under the interim waiver process and that the record contains a signed consent from the student's parent in this case in order to proceed under these modified procedure. Mr. Kobasa stated that this full hearing is scheduled for the January 21 meeting should it be necessary. Mr. Kobasa explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was still under oath. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Ms. Marvel made a motion to go into deliberation. The motion was seconded by Mr. Wagner and carried unanimously.

Dr. Hawtof made a motion to go back to executive session. The motion was seconded by Ms. Cale and carried unanimously. Ms. Samonisky made a motion to go back in to public session. The motion was seconded by Mr. Modica and carried unanimously. Ms. Corrado made a motion to approve the request based on the evidence of a financial hardship that prevented his return to Delmarva Christian School. The motion was seconded by Ms. Cale and carried by a vote of 13 yes (Wagner, Cale, Corrado, Samonisky, Hyland, Sole, Coffing, Taylor, Reed, Hawtof, Modica, O'Neal, and Eby) 1 no (Marvel), and 3 abstentions (Kobasa, Stone, and Long).

3. DIAA Reg. 10009.2.4 by Pencader for C.R.

Mr. Kobasa stated that this matter is being considered under modified procedures with the consent of the parent and that the parent has requested a closed hearing for the purpose of protecting the pupil file. Mr. Eby made a motion to go into executive session for the purpose of protecting the privacy of the pupil file as an exception to FOIA. The motion was seconded by Dr. Stone and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa stated that this request is being done under the interim waiver process and that the record contains a signed consent from the student's parent in this case in order to proceed under these modified procedure. Mr. Kobasa stated that this full hearing is scheduled for the January 21 meeting

should it be necessary. Mr. Kobasa explained that Mr. Charles has granted two interim waivers in this hearing one allowing the student to participate and the second to allow the student and parent not to appear. Mr. Charles was still under oath. The waiver packet and letter sent to the parents from Mr. Charles was made part of the record. Evidence was taken.

Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Reed and carried unanimously.

Mr. Eby made a motion to approve the waiver due to evidence presented. The motion was seconded by Ms. Cale and carried unanimously.

F. Request from DBCA for Approval of Delaware Baseball All-Star Game

Mr. Charles explained that this was the annual request from the Delaware Baseball Coaches Association to hold their scheduled all-star game on June 10, 2010 at Frawley Stadium. Mr. Charles stated that all proceeds are used to cover expenses and whatever is left over goes to the Big Brothers/Big Sisters. Mr. Eby made a motion to approve this request. The motion was seconded by Mr. Long and carried unanimously.

IV. Executive Director Report

Mr. Charles commented that he received a call from Bernard Muir the new athletic director at the University of Delaware inviting him to meet with him. Mr. Charles explained that Mr. Muir stated the University wants to work closer with the high school athletic association.

A. Fall Tournament Updates

Mr. Charles explained that there were zero seeding and team selection errors this year and that the Committees worked very hard toward this. Mr. Charles commented that the ability to cross check with websites4sports helped. Mr. Charles also commented that there were zero ineligible players. Mr. Charles stated that all the tournaments were very exciting and competitive and that attendance was up. Mr. Charles commented that we did use Ticketleap.com for all finals which enabled patrons to purchase their ticket on line. This helped reduce the size of onsite ticket selling lines. Mr. Charles then thanked all the committee members and the member schools. Mr. Charles stated that he had to move the volleyball final to a Sunday because the University of Delaware scheduled a home basketball game. Mr. Charles stated the attendance was down because St. Marks rescheduled a football game on that Sunday. Mr. Charles stated that cross country was held at Killens Pond and that the course was in remarkably good shape even after all the rain we had. Mr. Charles stated that Sharyn Wingate the chairperson for field hockey ran a good tournament. Mr. Charles

stated that we were affected a little by weather and a holiday but that it was still a very exciting tournament. Mr. Charles thanked Bob Bussiere, the soccer chairman, for a great tournament. Mr. Charles stated that we had a lot of rain during the tournament but it was very well attended. Mr. Charles thanked Bill Legge, the chairman of the football committee, and stated that he ran a good tournament. Mr. Charles explained that both #6 seed in Division I and II made the finals. Mr. Charles stated that the Division I final game was a near sell-out. Mr. Charles also commented that the Division II final was postponed to Sunday due to the weather.

IV. C. Misc.

Mr. Wagner reminded the Board about trying to get a track officials course set up. Mr. Wagner stated that they set it up for the fall but only two people signed up for it so he rescheduled it for January and there still has been no interest. Mr. Wagner commented that there needs to be some kind of incentive and was asking for a financial donation. Mr. Wagner suggested giving some incentive to the schools for the first ten people to sign up that DIAA would pay for four of that schools home matches which would cost around \$60.00 per meet. Mr. Charles stated that we have had difficulty in the past trying to get officials at the track meets. Mr. Wagner made a motion to offer a financial incentive for schools that have the first ten people to sign up and DIAA would pay a fee of \$60.00 per meet for four meets at their school. The motion was seconded by Dr. Sole and carried unanimously.

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Hawtof made a motion to adjourn at 12:00 p.m. The motion was seconded by Mr. Modica and carried unanimously.

Tina Hurley